IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.1065 OF 2005

Satish Ashok Sabnis ...Applicant
vs.
State of Maharashtra & anr. ...Respondents

Mr.A.S.Khandeparkar for the Applicant
Mr.A.S.Shitole,A.P.P. for State

CORAM: A.S.OKA,J.
DATE : NOVEMBER 28,2006.

P.C.:

1. Heard Advocate for the Applicant. The challenge in this criminal Application filed under section 482 of the Code of Criminal Procedure, 1973 is to an order passed by the learned Judicial Magistrate First Class, Pimpri, Pune by which process has been issued on a private complaint filed by the second Respondent.

2.In view of the decision of this Court in case of V.K.Jain and others Vs. Pratap Padode and another [2005 (3) Mh.L.J.page 778), a remedy of filing a Revision Application under section 397 of the said Code is available to the Applicant. The power under section 482 of the said Code has to be exercised sparingly and only in exceptional cases. Only on this ground, the application is not entertained and the same is rejected.

3.Notwithstanding rejection of this Application it will be open for the Applicant to prefer a Revision Application before the appropriate court for challenging the order issuing process. If such Revision Application is filed by the Applicant, the concerned court is bound to take a note of the fact that this Application was filed on 16th February 2005 and

the same remained pending in this Court till today.

JUDGE